
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-06-PA-074
All American Plazas, Inc.)	
)	Citation No.: C20063240002
Milton, PA 17847)	

CITATION

Released: June 23, 2006

By the Acting District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to All American Plazas, Inc. for violation of Section 302(b) of the Act² and Section 2.803(a)(1) of the Commission’s Rules.³

2. An investigation by the Enforcement Bureau’s Philadelphia Office revealed that on February 23, 2006, All American Plazas, Inc. offered for sale the following non-certified Citizen Band transceivers:

<u>Make</u>	<u>Model</u>
Millennium	2002
Magnum	S-9
Connex	4800 DXL
President	General LEE

According to the Commission’s records, these devices have not received an FCC equipment authorization which is required for Citizen Band transmitters marketed in the United States.

3. Section 302(b) of the Act states “[no] person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “... no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled ...” All American Plazas, Inc.’s offer for sale violates both of these sections.

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302(b).

³ 47 C.F.R. § 2.803(a)(1).

Federal Communications Commission

4. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules. Section 95.655(a) of the Rules states: "...([CB] Transmitters with frequency capability for the Amateur Radio Services Will not be certificated.)" *See also* FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.* and thereby deter use by CB operators of frequencies allocated for amateur radio use.

5. Violations of the Act of the Commission's Rules may subject the violator to substantial monetary forfeitures,⁴ seizure of the equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁵

6. All American Plazas, Inc. may request an interview at the closest FCC Office, which is Federal Communications Commission, One Oxford Office Building, Suite 404, 2300 East Lincoln Highway, Langhorne, PA 19047.⁶ You may contact this office by telephone, (215) 741-3016, to schedule this interview, which must take place within 14 days of this Citation. All American Plazas, Inc. may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. Please reference file number EB-06-PA-074 when corresponding with the Commission.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁷ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁸

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to All American Plazas, Inc. at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski
Acting District Director, Philadelphia Office
Northeast Region
Enforcement Bureau

⁴ 47 C.F.R. § 1.80(b)(3).

⁵ 47 U.S.C. §§ 401, 501, 503, 510.

⁶ 47 U.S.C. 503(b)(5).

⁷ *See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁸ *See* 18 U.S.C. § 1001 *et seq.*